

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 9/16/18

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UNITED STATES OF AMERICA

- v. -

JOO HYUN BAHN

a/k/a "Dennis Bahn,"

Defendant.

- - - - - x

:

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
: MONEY JUDGMENT

: 16 Cr. 831 (ER)

:

WHEREAS, on or about December 15, 2016, JOO HYUN BAHN, a/k/a "Dennis Bahn" (the "defendant"), among others, was charged in nine counts of a twelve-count Indictment, 16 Cr. 831(ER) (the "Indictment") with conspiracy to violate the Foreign Corrupt Practices Act, in violation of Title 18, United States Code, Section 371 (Count One), violations of the Foreign Corrupt Practices Act, in violation of Title 15, United States Code, Section 78dd-2 and Title 18, United States Code, Section 2 (Counts Two through Four), conspiracy to commit money laundering, in violation of Title 18, United States code, Section 1956(h) (Count Five), money laundering, in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2 (Count Six), wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Ten), aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(c)(5) and 2 (Count Eleven), and money laundering, in violation of Title 18, United States Code, Sections 1957(a) and 2 (Count Twelve);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Four, Seven, and Ten, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461 of all property, real and personal, which constitutes or is derived from proceeds traceable to the offenses alleged in Counts One through Four, Seven, and Ten, of the Indictment;

WHEREAS, the Indictment included another forfeiture allegation as to Counts Five, Six, and Twelve, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the commission of the offenses alleged in Counts Five, Six, and Twelve of the Indictment;

WHEREAS, on or about January 5, 2018, the defendant pled guilty to Counts One and Four, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Counts One and Four of the Indictment and agreed to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, all property, real and personal, which constitutes or is derived from proceeds traceable to the offenses alleged in Counts One and Four of the Indictment;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$225,000.00 in United States currency representing the amount of proceeds traceable to the offenses alleged in Counts One and Four of the Indictment that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Counts One and Four of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney, Daniel S. Noble of counsel, and the defendant, and his counsel, Julia Gatto, Esq., that:

1. As a result of the offenses charged in Counts One and Four of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$225,000.00 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One and Four of the Indictment that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, JOO HYUN BAHN, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or

dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:

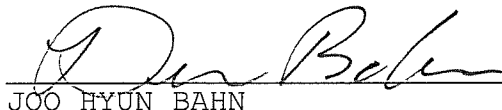


Daniel S. Noble
Assistant United States Attorney
One Saint Andrews Plaza
New York, NY 10007
(212) 637-2239

9/6/18
DATE

JOO HYUN BAHN

By:



JOO HYUN BAHN

9/6/18
DATE

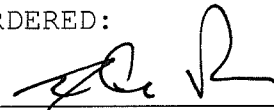
By:



Julia Gatto, Esq.
Federal Defenders of New York
52 Duane Street, 10th Floor
New York, NY 10007

9/6/18
DATE

SO ORDERED:



HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE

9/6/18
DATE